

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

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JOHN KELLEY, *et al.*,

Plaintiffs,

v.

XAVIER BECERRA<sup>1</sup>, *et al.*,

Defendants.

Civil Action No. 4:20-cv-00283-O

**JOINT STATUS REPORT RE SCHEDULE**

The parties have conferred and respectfully submit this Joint Status Report in response to the Court's order of February 25, 2021 (ECF No. 36).

**I. Proposed Time Deadlines**

- A. Deadline to join other parties: July 1, 2021.
- B. Deadline for parties seeking affirmative relief to designate expert witnesses: May 1, 2021.
- C. Deadline for parties seeking affirmative relief to make the expert disclosures required by Rule 26(a)(2): May 1, 2021.
- D. Deadline for parties opposing affirmative relief to designate expert witnesses: June 1, 2021.
- E. Deadline for parties opposing affirmative relief to make the expert disclosures required by Rule 26(a)(2): June 1, 2021.
- F. Deadline for all parties to designate rebuttal expert witnesses: July 1, 2021.

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<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 25(d), Xavier Becerra has been substituted for Alex M. Azar II as Secretary of Health and Human Services, Janet L. Yellen has been substituted for Steven T. Mnuchin as Secretary of the Treasury, and Martin J. Walsh has been substituted for Eugene Scalia as Secretary of Labor.

- G. Deadline to object to experts (i.e., Daubert and similar motions): August 1, 2021.
- H. Deadline to amend the pleadings: July 1, 2021.
- I. Deadline to mediate the case: The parties do not intend to mediate.
- J. Deadline to complete discovery: October 1, 2021.
- K. Deadline for plaintiff to file motion for summary judgment: November 1, 2021.

Deadline for defendants to file combined response to plaintiff's motion for summary judgment and defendants' cross-motion for summary judgment: 30 days after plaintiff files motion for summary judgment.

Deadline for plaintiffs to file combined response to defendants' motion for summary judgment and reply brief in support of plaintiff's motion for summary judgment: 30 days after defendant files cross-motion for summary judgment,

Deadline for defendants to file reply brief in support of defendants' motion for summary judgment: 21 days after plaintiff files combined response to defendants' motion for summary judgment and reply brief in support of plaintiff's motion for summary judgment.

- L. Deadline to file all other motions except motions in limine: 30 days after a ruling from this Court that denies each party's motion for summary judgment.
- M. Deadline for filing Rule 26(a)(3) disclosures: 30 days after a ruling from this Court that denies each party's motion for summary judgment.

## **II. The Need for a Trial Setting**

No jury has been demanded. This case is exceedingly unlikely to go to trial because the constitutional claims present pure questions of law.

## **III. Other Issues the Parties Would Bring to the Court's Attention**

- A. The parties expect that Article III standing and burden on religious exercise will be the only issues on which discovery will be needed; the expert disclosures discussed above will be limited to the Article III standing issue.
- B. The parties note that they do not believe that initial disclosures under Rule 26(a)(1) are required in this action.

- C. The parties are not pursuing settlement, as the issues in the case (apart from the Article III standing issue and burden issue under RFRA) present pure questions of law.
- D. The parties do not believe a status conference is necessary before the Court enters its scheduling order.

Respectfully submitted.

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Dated: March 22, 2021

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